

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ADAM CHASTEEN,

Plaintiff,

v.

ROD JOHNSON, *et al.*,

Defendants.

Case No. 2:12-cv-229  
Judge Marbley  
Magistrate Judge King

ORDER

On August 31, 2012, the State of Ohio, making a special appearance pursuant to O.R.C. § 109.361, moved to dismiss plaintiff's complaint for insufficient service of process. Doc. No. 49. The State argues that, although the Court had previously granted plaintiff until September 1, 2012 to demonstrate that he has taken all appropriate action to effect service of process, he failed to do so. *Id.* The State further argues that plaintiff's claims should be dismissed for failure to take reasonable steps to effect service of process. *Id.*

After the filing of the State's motion to dismiss, however, the Court extended the deadline for demonstrating effective service of process on the remaining named defendants to November 21, 2012. *Order*, Doc. No. 59. The docket also reflects that plaintiff has since served at least some of the remaining defendants, *see, e.g.*, Doc. Nos. 63, 67-68, and the State has again moved to dismiss certain defendants for insufficient service of process. *See* Doc. Nos. 76, 79. Under

these circumstances, the State's August 31, 2012 motion to dismiss,  
Doc. No. 49, is **DENIED as moot**.

s/Algenon L. Marbley  
Algenon L. Marbley  
United States District Judge